

franchise territory where there are at least: 1) 25 prospective subscribers per aerial plant mile extension or 2) 50 prospective subscribers per underground plant mile of extension. The construction required by this section shall be completed at a rate specified in the company's tariffs, filed pursuant to subsection (d) of these regulations and approved by the DPUC.

(d) **Tariffs:**

(1) Each franchise holder shall, within 30 days of the effective date of these regulations, or within 30 days of award of a certificate of public convenience and necessity, whichever is later, file proposed tariffs or tariff revisions which shall specify the obligation of the franchise holder regarding service to all areas where such service is not provided for in these regulations.

~~(2) All tariffs and tariff revisions are subject to approval by the DPUC.~~

(3) These revised regulations shall not affect any application for a CATV franchise currently filed before the DPUC as of the effective date of these regulations, but shall apply to any certificate subsequently awarded.

(Effective September 4, 1980)

Sec. 16-333-13a. Application

These construction standards apply to community antenna television systems when the franchised CATV company enters into a pole attachment agreement with the established public utility providing electric or telephone facilities in the area.

(Effective November 25, 1969)

Sec. 16-333-13b. Minimum requirements

Construction specifications not covered by these regulations or specific orders of the commission shall be governed by requirements of sections 16-11-100 to 16-11-152, inclusive, and the National Electrical Safety Code (NESC), 1984 edition, as may be from time to time amended.

(Effective April 22, 1986)

Sec. 16-333-14. Petition and supporting data

No CATV cable or extensions shall be constructed without prior commission approval. Petition for such approval shall be submitted to the commission at least thirty days prior to the proposed date of construction and shall furnish the following information:

- (a) The location of the proposed construction;
- (b) the names of all public service companies and municipalities involved;
- (c) a map showing routes of the television cable;
- (d) the location of amplifiers, power supplies, television tower and all other major components of the television cable system.

(Effective November 25, 1969)

Part IX**Attachment of CATV Systems to Poles****Sec. 16-333-15. Clearances**

(a) Vertical runs of CATV cables or wire shall be arranged to avoid interference with safe use of existing pole steps.

(b) Vertical and horizontal runs of CATV cables or wire on poles shall provide a minimum separation of two inches from vertical and horizontal runs of power conductors.

Sec. 16-333-16.

Repealed, November 25, 1969.

Sec. 16-333-16a. Separation at the pole

(a) CATV equipment located above or within four feet of the highest telephone cable or multiple line wire shall be mounted on extension arms placed perpendicular to the run of the cable. When such CATV equipment is mounted on an extension fixture, it shall be located on the side of the extension fixture away from the pole with a minimum horizontal separation of thirty inches from the pole surface.

(b) CATV equipment located below and at a distance greater than four feet from the highest telephone cable or multiple line wire may be mounted on the pole surface or on an extension arm placed perpendicular to or parallel to the run of cable. Such equipment shall be located outside of the climbing space.

(c) Amplifiers and associated equipment such as couplers, splitters, combiners, equalizers, taps and bridging terminals, etc., may be strand mounted above telephone facilities. A minimum of four inches of clearance shall be maintained between the lowest point of the CATV equipment and the telephone cable, multiple line wire or equipment.

(d) CATV attachments shall have a minimum separation of four inches from telephone attachments except as follows: CATV cable shall be located above and at a minimum distance of twelve inches from the highest telephone cable or multiple line wire. When the CATV cable is attached to an extension arm fixture, such cable may be located at the same level as the highest telephone cable.

(e) CATV drip loops shall have a minimum separation of four inches from telephone cable, multiple line wire or equipment.

(f) CATV pole-to-building cables and drop wires, where they leave the pole surface, shall be at least four inches above the highest telephone cable or multiple line wire attachment.

(g) No through bolt shall be installed with less than four inch separation from a parallel through bolt at the pole. Perpendicular through bolts may be installed with two inch minimum separation.

(h) CATV cables attached to poles supporting telephone facilities shall have a distinctive, readily visible means of identification attached to the CATV cable at each pole.

(i) When it is proposed to place CATV attachments on a pole which supports power attachments only, for the purposes of this docket, said CATV attachments shall be located on the pole with the same clearances that would otherwise be required if a telephone cable were attached to the pole at a distance of four and one-half feet below the lowest power attachment.

(Effective November 25, 1969)

Sec. 16-333-17.

Repealed, November 25, 1969.

Sec. 16-333-17a. Separation in the span

(a) These clearances apply under the following conditions: Temperature of 60°F, no wind, with the cable or wire at its final unloaded sag.

(b) For the purpose of this section, the span shall be considered as starting four feet from the surface of the pole.

(c) In pole to pole spans, CATV cables, equipment and associated drip loops shall be at least twelve inches from telephone cable or multiple drop wire.

(d) Pole to pole or pole to building span crossings involving CATV and telephone facilities on different supports are required to have a minimum clearance of two feet.

(e) In pole to building spans, CATV cable or drop wire shall be at least twelve inches from telephone cable, multiple line wire or drop wire except where within four feet of the surface of the pole the clearance may be reduced to four inches.

(f) In span tap to building spans, CATV cable or drop wire shall be at least twelve inches from telephone cable, multiple line wire or drop wire where the CATV and telephone cable or wire are attached to the same supports.

(Effective November 25, 1969)

Section 16-333-18. Attachment to buildings

(a) The minimum separation between the first point of CATV attachment and the first point of telephone attachment shall be six inches.

(b) The minimum separation between the first point of CATV attachment and the first point of power company attachment shall be twelve inches.

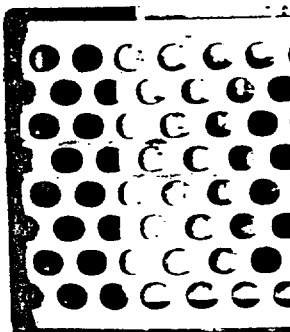
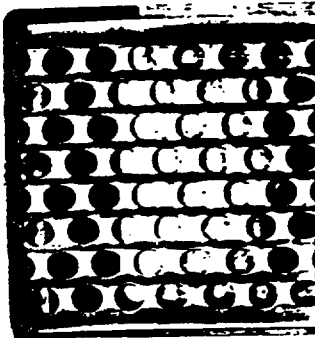
(c) The minimum separation between CATV wires and telephone and/or power wires running along building walls shall be four inches.

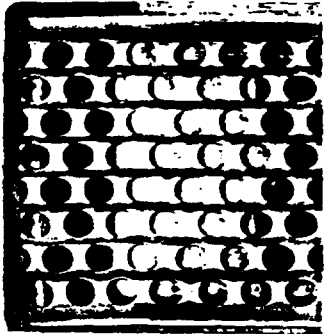
(d) The company shall make reasonable efforts to consult with the property owner or his or her agent to determine the point of attachment and the routing of both interior and exterior cable. If prior agreement with the property owner or his or her agent has not been made, the point of attachment shall be located so as to minimize the length of cable required on or within the building, taking into consideration aesthetics, technical requirements and maintenance.

(e) The building hook which attaches the CATV service drop to the building shall be designed in such a manner and screwed into the building solidly enough so that the hook will fail before it pulls out of the building.

(f) External CATV building wiring shall be arranged as neatly and unobtrusively as is reasonably possible. Cable shall be hidden by placing it next to chimneys and under eaves whenever possible. If cable cannot be hidden it should be run parallel to the architectural features of the building. For aluminum or vinyl siding, specially-designed clips, which do not puncture the siding, shall be used to attach cable. Clips shall be spaced at close enough intervals to prevent the cable from sagging between clips. Cable shall not be placed inside gutters or downspouts.

(g) The company shall determine where sets are to be located prior to making entrance to any building. The company shall exercise reasonable care during the drilling of entrance holes to prevent damage to siding and inner walls, and to avoid drilling into wires and pipes. Clearance holes shall be drilled through asbestos shingles for the nails to attach cable clips. Entrance holes shall be sealed around the cable with RTV silicone sealing compound, or its equivalent, and a "drip loop" of not less than 4 inches shall be maintained.





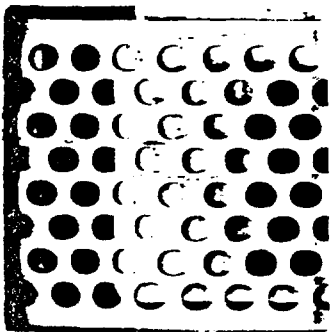
(h) Inside wire shall not be installed under carpet or rugs or at a location or in such a manner as to constitute a hazardous condition. Reasonable efforts shall be made to secure long runs of interior cable to baseboards or woodwork with clips or other means which minimize permanent damage to the dwelling unit. Where wiring exists inside a dwelling in a finished wall, a wall plate shall be employed and, where practical, shall be positioned at the same height above the floor as electrical outlets. In all installations, 6 to 8 feet of unsecured cable shall be left to permit moving of the set without disconnecting it from the cable.

(i) The company shall complete installations, making reasonable efforts to leave buildings and grounds in the same condition they were in prior to the installation. Any damage to the building and surrounding grounds shall be repaired. This shall include the careful replacement of material that was removed for trenching, the patching of driveways, and the seeding and landscaping of property where damage has occurred as a result of the installation.

(Effective September 17, 1986)

Sec. 16-333-19. Climbing space

(a) Climbing space consisting of a horizon-



tal area of thirty inches square extending vertically not less than forty inches above and below cables, conductors, crossarms or other communication attachments shall be provided on all poles. (b) The climbing space shall be a continuation of the existing climbing space through telephone facilities.

Sec. 16-333-20. Electrical equipment requirements. (a) A fused disconnecting means or a circuit breaker device of the lowest current rating consistent with the load requirements of the ***power supply shall be provided for power service to the ***power supply. This device may be included within the ***power supply housing or it may be in a separate weatherproof enclosure. Such enclosure shall be acceptable to the power company. (b) Where the power service protective device is in an enclosure which is external to and not part of the ***power supply case, this enclosure and the ***power supply case shall be made electrically continuous by a means other than the power service neutral conductor. (c) Properly identified line and neutral terminals for connecting electrical service conductors shall be provided. All power service connections at the CATV ***power supply shall be such as to preclude the possibility of a reversal in polarity. (d) CATV power supply equipment shall be designed so as to provide a separate, permanent electrical interconnection between the service neutral conductor terminal, metallic enclosure ***and the CATV cable strand. (Effective November 25, 1969.)

Sec. 16-333-21. Bonding and grounding. CATV cable strand shall be bonded to the telephone cable strand or the multiple line wire support strand at the first and last joint pole, and at every amplifier and power supply location, with the distance between the bond points not to exceed ten sections. Where there are no telephone facilities present and the power system is multi-grounded neutral, the CATV cable strand shall be bonded to a vertical grounding conductor of the power system multi-grounded neutral at approximately one quarter mile intervals. (b) The outer conductor of the CATV coaxial service drop shall be grounded at the subscriber's location in accordance with requirements as specified by the National Electrical Code. Where a ground rod is used for grounding, an interconnection shall be made between the CATV ground rod and the existing power system ground. (c) Where a supporting strand is required for the CATV service drop, such strand shall be bonded to the CATV cable strand. (Effective November 25, 1969.)

Sec. 16-333-22. Strength requirements. (a) The supporting strand for CATV cable shall be adequate to support the load to which it may be subjected, and to maintain the required ground clearance or mid span separation from telephone cables or wires. The strand shall have a minimum breaking strength of six thousand pounds and shall not be stressed to more than sixty per cent of rated breaking strength under the maximum load to which it may be subjected, including heavy storm loading. (b) The supporting wire or strand for CATV service drop, or self-supporting CATV service cable, shall have adequate strength to withstand the stresses imposed under heavy storm loading conditions. (Effective November 25, 1969.)

Sec. 16-333-23. Diagrams for pole attachments. The attached nine diagrams, designated as Appendix Aa, are furnished for illustrative purposes.

APPENDIX A

ATTACHMENT OF CATV SYSTEMS TO POLES

Repealed. (Effective November 25, 1969.)

APPENDIX Aa

ATTACHMENT OF CATV SYSTEMS TO POLES

The attached pole head diagrams are intended to illustrate mounting arrangements of CATV facilities to poles. They should not be construed as being wiring arrangements.

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|---------|--|
| Plate 1 | CATV and telephone cable on same side of pole. |
| Plate 2 | CATV and telephone cables on opposite sides of pole. |
| Plate 3 | CATV cable with strand mounted equipment on same side of pole as telephone cable. |
| Plate 4 | CATV and telephone cables on opposite sides of pole with strand mounted CATV amplifier. |
| Plate 5 | CATV and telephone cables on same side of pole with extension arm mounted amplifier or power supply above telephone cable. |
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| Plate 8 | Top views showing climbing space. |
| Plate 9 | Top view showing climbing space. |

(Effective November 25, 1969.)

**ESTABLISHMENT OF ADVISORY COUNCILS FOR
CABLE TELEVISION FRANCHISE AREAS****Sec. 16-333-24. Establishment of cable television advisory council**

There shall be established a cable television advisory council, hereinafter referred to as advisory council, consisting of representatives of the towns in each area where the Public Utilities Commission has granted a certificate of public convenience and necessity to a cable television company as franchise holder under authority of Chapter 289 of the General Statutes.

(Effective April 23, 1974)

Sec. 16-333-25. Appointment of advisory council members

The members of each advisory council shall be appointed as follows:

(a) The chief elected official of each town in the franchise area shall appoint one or more members who are residents of said town in accordance with the population of said town as determined by the most recent United States census in the following manner:

(1) In towns having a population of less than 5,000 - one member.

(2) In towns having a population of at least 5,000 but less than 20,000 - two members.

(3) In towns having a population of at least 20,000 but less than 50,000 - three members.

(4) In towns having a population of 50,000 or more - four members.

Insofar as is possible said appointments should reflect and be representative of the cultural, educational, ethnic and economic makeup of the population inhabiting said towns.

(b) The board of education in each town in the franchise area shall appoint one member of the advisory council. Such member must reside in said town, but need not be a member of said board of education.

(c) One member shall be appointed to the advisory council in each franchise area to represent all of the libraries of general public use located in the towns within that franchise. In the town in the franchise area having the largest population therein, as determined by the most recent United States census, the public library board charged with oversight and management of the town's public library as defined by Section 11-24a (b) of the General Statutes shall appoint the advisory council member. In the event there is no public library board in charge of the public library in that town, or if the library of general public use in that town, is a private eleemosynary library, or if no library in either category is located in that town, then said advisory council member shall be

appointed by the chief elected official of said town. The advisory council member appointed hereunder shall be an inhabitant of a town within the franchise area who is either a library board member of a professional library staff employee of a public library or a private eleemosynary library of general public use in a town within the franchise area.

(d) The franchisee shall appoint one member, who shall possess some expertise in the field of cable television and who shall serve without vote on the advisory council.

(Effective April 23, 1974)

Sec. 16-333-26. Term of advisory council members

Each member of the advisory council shall serve for a term of two (2) years from the first day of July in the year in which such member is appointed.

(Effective April 23, 1974)

Sec. 16-333-27. Vacancies of advisory council members

Any vacancies for an unexpired term may be filled by the respective appointing authority in each instance to complete and serve out the remainder of the current term for which the vacating member was appointed.

(Effective April 23, 1974)

Sec. 16-333-28. Compensation

Members of the advisory council shall serve without compensation.

(Effective April 23, 1974)

Sec. 16-333-29. Election of officials and meetings

Each advisory council shall elect its own chairman, vice-chairman and secretary. The council shall meet regularly at least bi-monthly. Special meetings may be called by the chairman or by the majority of the members upon due notice to all members of the advisory council.

(Effective April 23, 1974)

Sec. 16-333-30. Function of council

Each advisory council may give advice to the management of the cable television company upon such matters affecting the public as it deems necessary. Each advisory council shall annually on a date not later than the first day of August, file a written report with the PUBLIC UTILITIES COMMISSION concerning its activities for the preceding twelve month period ending June 30.

(Effective April 23, 1974)

Cable Television Public Access Channels

Sec. 16-333-31. Definitions

As used in sections 16-333-32 to 16-333-36, inclusive:

(a) Franchise holder shall mean the holder of a certificate of public convenience and necessity to construct and operate a CATV system, under the provisions of section 16-331 of the General Statutes.

(b) Public access shall refer to the use of a cable television channel for non-commercial programming by any person as defined in section 16-59i (c) of the Connecticut General Statutes other than the franchise holder.

(Effective May 19, 1982)

Sec. 16-333-32. Number of public access channels required

(a) Each franchise holder shall maintain at least one specially designated channel to be used for public access. The franchise holder may use any such access channel for any other purpose whenever that channel's time has not been contracted for use for public access. Any conflict in time for use between public access or other use shall be resolved in favor of public access. The franchise holder shall keep a record, available for public inspection, of the requests for and use of access channel time. Such records must be retained for not less than two years.

(b) When the activated access channel capacity is in use for public access purposes during 80 percent of any consecutive five hour period Monday—Friday, for six consecutive weeks, the franchise holder shall, within six months, activate an additional channel for access use, provided, however, that this requirement shall not necessitate the rebuilding of a system or elimination of any existing services, and further provided that in no case shall the number of mandated access channels exceed 10% of the total channel capacity of the system.

(Effective May 19, 1982)

Sec. 16-333-33. Equipment and technical assistance

Each franchise holder, upon reaching a minimum of 3,500 subscribers, shall make available to the users of the access channels the following:

(a) Studio facilities necessary for good quality production of live programming.

(b) Technical assistance as required.

(c) At a minimum, a character generator, a portable color camera and a video tape recorder to program the access channel(s) as required. The department may require more than the minimum level of equipment (see section 16-333-35.)

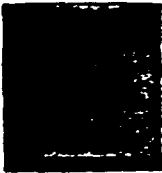
(Effective May 19, 1982)

Community Access Support**Sec. 16-333-33a. Community access support definitions**

(a) "Access user" for the purposes of section 16-333-33b and 16-333-33c shall mean any person, other than a company's employee or paid consultant, who is involved in the production, showing, promotion, or support of community access programming.

(b) "Community access" for the purposes of sections 16-333-33b and 16-333-33c, shall mean the same as public access as defined in section 16-333-31, including the conception, production, editing, and showing of programming by an access user. No company shall exert editorial control over the content of such programming.

(c) "Equipped studio" for the purposes of section 16-333-33b, shall mean the following: (1) (A) a production room with ceiling height adequate to mount lighting equipment necessary for good quality production of video programming; (B) two cameras having a minimum 350 lines of horizontal resolution and equipped with studio view finder, external synchronization capability and remote lens control; (C) lighting equipment, microphones, intercom system, tripods, and microphone mixers sufficient for good quality production of video programming; (2) (A) a control room, separate from the production



room with adequate sound insulation and space and cablecasting equipment sufficient to enable the good quality production and effective showing of video programming, including, but not limited to, the following equipment: three color capable video tape recorders, with video output jack, minimum 60 minute recording time, minimum 240 lines of resolution, and minimum of two audio tracks, at least two of which must be capable of forming an editing system with a controller, and capable of assemble and insert edit; (B) two monitors with a minimum of nine inch screens; switching equipment and a sixteen-page character generator; (C) an editing room, separate from the production and control rooms, unless the room is of sufficient size to provide for the editing and control functions to occur simultaneously in the same room without adverse impact to either function, with space and equipment sufficient to enable the effective editing of programming.

(Effective July 2, 1987)

Sec. 16-333-33b. Standards for determining adequacy

The Department shall employ the standards in this section to determine, on a case-by-case basis, the level of support which each CATV company shall make available to the public to facilitate meaningful community access. The Department shall review each company's support taking into consideration the factors in section 16-333-33c. The Department considers that community access support which comprises the following components would be adequate to facilitate meaningful community access:

(a) Personnel:

(1) Personnel sufficient to accomplish the following: (A) Coordinate all access programming functions and efforts, including coordinating efforts and communicating with the Advisory Council, and (B) Administer all efforts made by the company for community access;

(2) Any company which has 20,000 or more subscribers shall designate one employee, at a minimum, as the access coordinator who has as his or her sole responsibilities those identified in subdivision (1) of this subsection. Any CATV company which has less than 20,000 subscribers shall designate one full time employee, at a minimum, as the access coordinator who has as his or her primary responsibilities those identified in subdivision (1) of this subsection;



(3) Technical personnel to assist the access coordinator and to assist the access users, as required;

(4) Additional personnel assigned to supplement the access coordinator's efforts in coordination and administration when the absence of such supplementary efforts would unreasonably hinder the development of community access;

(5) An annual assessment, performed by the company and based in part on recommendations solicited by the company from access users and the Advisory Council, of whether the number of personnel assigned to community access, and the amount of time spent by such personnel on community access, are sufficient to facilitate meaningful community access.

(b) Training:

(1) A training program, offered at no charge to trainees or their organizations except as specified herein, designed and operated by the company to train interested persons to handle equipment safely and to produce com-



munity access programming, including, but not limited to, the following: (A) preproduction planning, (B) portable field production, (C) studio production, (D) editing, and (E) post-production tasks. Classes held for the training program shall be a reasonable size, as determined by the material presented. Classes shall be offered regularly outside of business hours, including evenings and weekends, in addition to the sessions offered regularly during business hours. The training program shall be offered first to residents of the franchise area and then to members of private, nonprofit organizations located and operating in the franchise area;

(2) The availability of a proficiency test, which individuals may pass instead of the successful completion of the training program;

(3) Advanced level courses, as determined by demand, offered solely by the company for cooperatively with other companies or organizations.

(c) Facilities and Equipment:

(1) Facilities and equipment, at no charge except for the cost of gasoline for the use of a van or for tapes, sufficient to enable access users to produce and show live and taped productions of commercial broadcast quality, as more fully defined below:

(A) For systems with fewer than or equal to 3,500 subscribers, equipment, including, but not limited to, the following equipment, all of which shall be portable except for the character generator and cable casting equipment: a color, self-contained camera package having a minimum of 350 lines of horizontal resolution, video tape recorder, microphones, microphone mixer, tripod, lighting equipment, carrying cases, cablecasting equipment, and a sixteen-page character generator,

(B) For systems with more than 3,500 subscribers, but fewer than 25,000 subscribers, equipment and facilities, including, but not limited to, the following: an equipped studio of not less than 200 square feet, and the portable equipment identified in subparagraph (A) of this subdivision,

(C) For systems in excess of 25,000 subscribers, facilities and equipment including, but not limited to, the following: an equipped studio of not less than 400 square feet, and the portable equipment identified in subparagraph (A) of this subdivision,

(D) For each 25,000 subscribers or fraction thereof in excess of 50,000 subscribers, an additional camera package and portable equipment as specified in subparagraph (A) of this subdivision;

(2) Reasonable procedures, established in consultation with access users and the Advisory Council, for the following: (A) Making equipment and facilities available when the company's offices are closed for business, (B) Handling the tardy return of equipment and return of damaged equipment by users, (C) Properly maintaining equipment and facilities.

(d) Channel Capacity:

Channel capacity sufficient to support meaningful and productive community access by meeting the demands for channel time for community access, including, at a minimum, one specially-designated community access channel, with additional channel time made available as required by section 16-333-32 of these regulations.

(e) Promotion:

(1) Promotional efforts undertaken in consultation with the Advisory Council and access users, which are sufficient to promote the use of community

access channels, facilities, and training programs through mechanisms which may include, but are not limited to, the following:

(A) A bill insert or brochure mailed to all customers at least annually, describing the purposes and accomplishments of community access and the procedures for becoming involved in community access.

(B) A check-off provision on customers' bills which enables customers to donate money to community access;

(2) Promotion of the community's involvement in community access, including specific efforts to involve minority groups;

(3) Publicity about programming through announcing schedules for community access programming in the newspaper, in public service announcements on television and radio, and inserts in the company's program guide;

(4) Efforts to coordinate the Advisory Council's and access users' promotional activities with the company's promotional activities;

(5) A mechanism by which the company shall obtain an annual financial report, from any individuals or groups who receive any direct monetary contribution from the company, identifying what funding was received and how and by whom it was spent.

(f) Funding:

Money provided to fund the components of adequate community access, as specified in this section, in lieu of providing the specific components of support, when such finding is sufficient in amount to enable the achievement of the standards set herein and when the provision of funding, in lieu of a specific type support, does facilitate the development of community access.

(g) Evaluation and Assessment:

(1) The company's establishment of specific goals for community access, set in consultation with the Advisory Council, and a periodic assessment of the achievement of those goals;

(2) An annual evaluation by the company, submitted to the Department, completed after soliciting, receiving, and incorporating comments from the Advisory Council, access users, community members, and subscribers, of the effectiveness of the company's community access program, and the achievement of the program's goals.

(Effective July 2, 1987)

Sec. 16-333-33c. Review of public access support levels

The Department shall review each company's support, according to the standards set in section 16-333-33b, and may adjust the level of support below such standards if the following so warrant an adjustment:

(1) The size of the company's rate base;

(2) The number of subscribers served by the company;

(3) The length of time for which the company has held the franchise;

(4) The company's channel capacity;

(5) The terms of the company's existing franchise certificate as it applies to community access;

(6) The overall effectiveness of the community access program, including, but not limited to, the following: the number of people who have enrolled in the training program or taken a proficiency test, the number of programs produced, the number of inquiries received about community access, the amount of air time used on the public access channel, the amount of dona-

tions made to the company for community access, including funds raised by access users and access organizations, the perceptions and responses to the community access program held by the Advisory Council, access users, and the community;

(7) The existence of an agreement by the company to provide a level of support higher than that set by the standards in section 16-333-33b;

(8) The demography of the community and the public need;

(9) The fundamental purposes of community access, including but not limited to, the following: enhancing First Amendment rights; providing for the dissemination of diverse views and for a marketplace of ideas and information; capitalizing on the possibilities inherent in "narrowcasting," as contrasted with broadcasting; providing for viable alternatives to commercial programming, and enhancing a sense of community among residents of the town and franchise area.

(Effective July 2, 1987)

Sec. 16-333-34. Rates and charges

No franchise holder shall charge access channel users for channel time. Franchise holders may assess rates and charges approved by the department against access users for technical assistance and production expenses.

(Effective May 19, 1982)

Sec. 16-333-35. Operating rules

(a) Within 6 months after the effective date of these regulations or upon commencing operations, whichever is later, each franchise holder shall file proposed operating rules for access use with the DPUC approval. Such rules must include the following:

(1) All proposed rates and charges applicable to the use of access channels including technical assistance and production expenses.

(2) All forms to be used, e.g., applications or agreements.

(3) Equipment available for access use.

→ (4) A prohibition of the presentation of any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office).

(5) Any other operating rules which may apply to the provision and programming of access channels.

(b) In evaluating the equipment, rates, and administrative procedures which must be specified in the franchise holder's operating rules for access use, the department shall consider the franchise holder's financial resources; the system's subscriber base and channel capacity; the demographic characteristics of the franchise area and the public need, as determined by the department, consistent with the goals of affording the public a low cost means of television access and encouraging access channel usage by as many different persons or entities as practical.

(Effective May 19, 1982)

Sec. 16-333-36. Notice requirement

Each franchise holder, upon filing proposed operating rules of access use with the DPUC, shall provide written notice of the availability of access channels to each subscriber within 60 days and such notice shall be repeated annually.

(Effective May 19, 1982)

Sec. 16-333-44. Termination of franchise

If a decision is made to terminate a franchise, the franchise shall continue in operation until replaced, or upon order of the Authority.

(Effective June 27, 1989)

Sec. 16-333-45. Notice of renewal application to subscribers

Any CATV company which applies to the Department of Public Utility Control for renewal, extension or transfer of its certificate pursuant to Connecticut General Statutes section 16-331 shall inform its subscribers of such application in the next billing statement sent to the subscribers. A CATV company shall inform its customers of the dates, times and locations of any hearings set by the department pursuant to the CATV renewal proceeding. Such notice shall be mailed directly to the subscribers at least seven days prior to the hearing date.

(Effective June 27, 1989)

Compensation to Owners of Multiunit Residential Buildings**Sec. 16-333-46. Rights of owners to just compensation**

The owners of multiunit residential buildings may apply to the Department of Public Utility Control for compensation for any taking of property associated with the installation of wiring and ancillary facilities by a CATV company for the provision of community antenna television services to the multiunit residential building, in accordance with the criteria outlined in Section 16-333-52.

(Effective May 18, 1990)

Sec. 16-333-47. Notice to owners regarding intent to install CATV facilities

The CATV company seeking permission to install facilities in a multiunit residential building shall notify the owner of the building not fewer than thirty days before the proposed date on which installation is to commence. The CATV company shall include in this notice its proposed plan of installation for the CATV service. Said notice shall be sent by certified mail, return receipt requested.

(Effective May 18, 1990)

Sec. 16-333-48. Notice to department, CATV company and OCC regarding intent to seek compensation

Any owner of a multiunit residential building who wishes to petition for compensation shall file an application with the Department no later than thirty days following receipt of the Notice of intent to install cable, required under section 16-333-47. The owner also shall send a copy of said application to the CATV company seeking to install facilities and to the Office of Consumer Counsel. This application shall include the amount of compensation being sought and the basis for such claim. Failure of the owner to petition the Department within the time limit specified under this section shall be deemed a waiver by the owner of the right to seek compensation for said installation.

(Effective May 18, 1990)

Sec. 16-333-49. Application fee

Any application submitted under Section 16-333-48 shall be accompanied by an application fee of \$50.00.

(Effective May 18, 1990)

Sec. 16-333-50. Authorization for negotiations

Upon the filing of the application authorized under Section 16-333-48, the owner of a multiunit residential building and the CATV company shall attempt to reach a mutually acceptable agreement regarding the amount of reasonable compensation due the owner as a result of the installation of CATV facilities in the multiunit residential building. Upon request of either the owner or the CATV company, the Office of Consumer Counsel may participate in such negotiations.

(Effective May 18, 1990)

Sec. 16-333-51. Department proceedings

(a) Any proposed agreement between the owner of a multiunit residential building and the CATV Company shall be submitted to the Department within sixty days of the date of the application submitted under Section 16-333-48 for approval by the Department. Such agreement shall contain the criteria considered, as outlined in Section 16-333-52, upon which the amount of compensation was calculated. The Department shall render a final decision either approving or denying said proposed agreement within ninety days of the receipt of the agreement by the Department. The Department may hold a public hearing on the proposed agreement before rendering its decision.

(b) If the owner and the CATV Company are unable to reach an agreement within the sixty days provided under Section 16-333-51 (a), or if the Department has denied the agreement submitted by the owner and the CATV Company, the Department shall commence proceedings for a hearing to determine the appropriate compensation. The CATV Company, the owner and the OCC shall be designated as parties to such proceeding. The Department shall complete such investigation and render a decision not later than ninety days after initiation of the proceeding.

(c) Nothing in these regulations shall be deemed to impair or delay the right of the CATV operator to install, maintain or remove CATV system facilities, or to provide service to an individual unit in the subject premises, during the pendency of these proceedings.

(Effective May 18, 1990)

Sec. 16-333-52. Criteria

In its determination of an appropriate award of compensation due the owner, the Department shall consider the following:

- (1) The location and amount of space occupied by the installation;
- (2) Any evidence that the owner has a specific alternative use for any space which would be occupied by the CATV facilities, the loss of which will result in a specific quantifiable loss to the owner;
- (3) The value of the applicant's property before the installation of cable television facilities, and the value of the property subsequent to the installation of cable television facilities and the method or methods used to determine such values;

(4) Whether the installation of the CATV facilities will interfere with the use and occupancy of the building, which interference would cause a decrease in the rental or resale value of the building; and

(5) Any actual costs incurred by the property owner directly related to the installation of the CATV facilities.

(Effective May 18, 1990)

Sec. 16-333-53. Appeal

Any determination made by the Department under Section 16-333-51 of these regulations may be appealed by an aggrieved party in accordance with the provision contained in Section 4-183 of the General Statutes of Connecticut.

(Effective May 18, 1990)

